

JOINT WORKSESSION

The Leesburg Planning Commission met on Thursday, March 16, 2006 in a joint meeting with the Board of Architectural Review and the Economic Development Commission in the lower level conference room at Town Hall, 25 West Market Street, Leesburg, Virginia.

Planning Commission members present were Kevin Wright, Earl Hoovler, Ted Kalriess, Brett Burk, Chad Moore, and Bridget Bangert. Board of Architectural Review members present were Theresa Minchew and Paige Buscema. Economic Development Commission members present were: Karen Jones, Bill Michell, Sandra Kane, Tom Dunn and Ken Werner. Staff members present were Susan Swift, David Fuller, Annie McDonald, Barbara Beach, Heather Biddulph and Linda DeFranco.

Chairman Wright recapped the agenda and the intent of the meeting. He then asked if there were any Petitioners to speak on the Crescent District. There were none. The joint discussion then centered on the memo written by Tripp Muldrow and Scott Mingonet that recapped prior discussion on the Crescent District.

1. There is a need to show more green space in the master plan. Sandra Kane commented that this states the need to “show” more green space, not to “add” it. Theresa Minchew asked if alleys were included as greenspace. There was some discussion on this and then the group reached consensus on the suggestion to *show that open space provisions for private development would apply and that they would be included in the future zoning district for the District.*

2. Would like to see some programming of the greenspace in Brandon Park. Karen Jones asked how they could get input from Parks and Rec. Susan Swift commented that they have received input indicating that this will be a part of a Brandon Park master plan and not put into the Crescent District plan. There was consensus on this suggestion.

3. Would like to see the green space/ballpark behind the Douglass Center restored. The group reached consensus on the suggestion to maintain the projected road and reinsert the green space in a different configuration.

4. Catocin Skatepark is moving – presenting an opportunity for redevelopment of that parcel. Mayor Umstattd commented that this was in the CIP to relocate the skatepark. Commissioner Burk asked if this space could be used as leverage for trading “greenspace” as a result of the proposed redevelopment. The town should get offsetting greenspace for letting this recreation area go. The group came to a consensus on this suggestion.

5 and 6 were tabled for further discussion. These were related to parking and the philosophy of parking in the district.

7. Discussion needed on alleyways and private streets. Commissioner Bangert asked if there was a focus for the alleyways. Are they pedestrian areas, gathering areas, delivery areas? Scott Mingonet said they were an orientation for the development such as rear

JOINT WORKSESSION

garages, service and delivery areas, etc. The intent is not for gathering or pedestrian ways. The group came to a consensus on the intent and asked that the color of the alleys be changed to a darker color so they are easier to see on the area map.

8. If South Street is extended as proposed, can it handle the additional traffic? The group came to consensus on South Street being a connection, but not a major thoroughfare through the district.

9. Continuing Fairfax Street through the W&OD Trail; 10. Not enough north/south movement; 11. extending Fairfax Street through the Safeway Site; and 12. Showing Greenway extension to Catocin Circle. There was a consensus on the four of these. Chairman Wright asked if they wanted to show Industrial Court to the Boulevard extension. Theresa Minchew asked what the downside would be of showing it on a map. Chairman Wright felt showing it would show the connection going through an existing parcel. Would this cause a plan amendment to allow this? Susan Swift responded that yes, it would. There was some discussion on whether to add this possibility to the language and leave off the map or include this in both. Scott Mingtonet said they left it off so they didn't create a hurdle to this plan. Chairman Wright asked the members present for their opinion on whether to use text, show it on the map or leave it as it is.

Text change – Chad Moore, Ken Werner, Karen Jones, Sandy Kane, Bill Michel
Text and Map – Theresa Minchew, Bridget Bangert, Brett Burk and Mayor Umstattd
Map – Paige Buscema, Ted Kalriess (dotted line). Following this poll, Chairman Wright requested that the group come back to this.

13. Long term traffic and parking study needed – consensus.

14. The group reached consensus on adding more text regarding the financing recommendations.

15. There was consensus on the text explaining how the infrastructure will be paid for along with #16 regarding public-private partnership.

17. Cost differences between the three water feature options. Commissioner Bangert asked if engineering could move forward on the downstream projects. Susan Swift responded that one project was dependent on this decision, however, the other project can move forward and is scheduled to begin after July 1. Commissioner Bangert hoped they could find consensus on which option they like so that all of this can move forward and the downstream projects can be completed. Chairman Wright said this will necessitate their decision on which water feature will be used. Scott Mingtonet said he didn't think that any choice would hold up the downstream projects. Commissioner Kalriess said that one wasn't feasible from an engineering standpoint. Apparently that issue has been cleared up, however the maintenance considerations are still outstanding.

Commissioner Hoovler joined the meeting at this point.

JOINT WORKSESSION

18. Workforce housing. Karen Jones asked if there was anything in place now regarding workforce housing. Susan Swift said they are working on a report at the present time. Legislation was put forward, but didn't pass to work jointly with Loudoun County on this. The Town cannot do this alone because of the staff and time required to administer it. Bill Michel asked if there were programs to allow a developer to housing for tax incentives. Barbara Beach responded that yes, there are ways that they could be allowed to do this. The town could suggest proffers, but the best way is to work directly with the County. Discussion centered around the cost of land versus the cost of the finished product and how this would be unfair to the developer. There were further comments that even though discussion doesn't solve the problem the topic is moving in the right direction. Chairman Wright asked if this addresses the existing trailer park site. As you make the impact how will you offset it? Commissioner Hoovler suggested a density bonus. Commissioner Bangert asked if they should say the town will be amenable to density in exchange for workforce housing? Commissioner Hoovler said this might be something to consider. Bill Michel asked about finding housing for displaced people. Barbara Beach explained how some other jurisdictions address this. They allow special exceptions tied directly to the parcel that will work for both parties. Using height they could set a limitation on the allowed height and then consider a higher building contingent on conditions to special exceptions.

Commissioner Hoovler suggested that language be inserted to set a policy that will be sensitive to how building heights could be utilized in certain areas. Commissioner Bangert added that the language needed to be generic and cover the entire District, not just one area. Commissioner Kalriess cautioned that this is a master plan and hopefully it can be used to guide developers to the desired outcomes, not have them fear that they will go through a lengthy process for special exceptions. Chairman Wright asked if the language said enough to go forward. Commissioner Hoover said he would like to see the language tightened to stress that they should be sensitive to people's relocation and surrounding neighborhoods. Chairman Wright stated that they will come back to this.

19. With regard to converting garages into apartment uses, it was suggested that this remain in the plan since it is meant for new development, not infill into existing residential. There was consensus on this.

20. Instead of designating certain sites as school sites, they should be designated as public institutional sites. There was some discussion on promoting walkable communities, the minimum acreage for a school. Theresa Minchew suggested that the plan encourage a school site in general for the area without designating a specific site. The group came to a consensus.

21. The group agreed that there needed to be more connection to the goals outlined in the Business Development Strategy.

22. Inclusion of the O&HD in the Crescent District even though no changes are proposed. Scott Mingonet suggested either moving the line or dashing the line. Commissioner Bangert suggested that they indicate this area has no recommended

JOINT WORKSESSION

changes. Chairman Wright said how do they show the opportunity sites? They really need to be indicated. Theresa Minchew asked if there was a way to show this as a study area, but that it is not subject to height changes. There was discussion on how this area could be shaded but it would have footnotes setting out that it is not really a part of the major redevelopment area. Mayor Umstattd said there needs to be an outreach to the businesses that will be affected and let them know there is nothing being forced on them, but decisions will be made by landowners. Right now they have the impression that the town is going to expand roads, etc. right through their property. Karen Jones agreed that there needs to be an explanatory letter and perhaps a meeting to discuss what is in the future. Chairman Wright agreed that this should be done and soon and suggested that the chairs of the three commissions should work on this. There was further discussion on what businesses know and don't know and once again, outreach to them was encouraged. The group did not come to a consensus on the designation of the O&HD in the Crescent District Master Plan.

23. It was agreed that the King Street Corridor from Catoctin Circle south should be part of a future study that would be more focused at a different level of detail than this master plan.

24. With regard to concerns about construction noise, it was agreed that the vehicles the town has in place will encompass this.

25. There was consensus on the implementation procedures of this master plan.

26. The group agreed with the language that new development will incorporate transit amenities where appropriate and where needed, in coordination with the county and VRTA transit goals. Commissioner Kalriess came back to this and suggested that it be a non consensus item because the language does not address the issues at hand. Referring to what boils down to a bus stop is not adequate. Sandy Kane asked if there was a townwide transportation plan. Susan Swift commented that they are working with the county to establish this.

27. Chairman Wright asked if this was a place we could encourage the "walkable" community aspect for retail. Scott Mingonet said this would be difficult because there is no guarantee that this site will eventually contain retail. Commissioner Kalriess asked for non consensus since we would be regulating what is placed on a parcel, which cannot be done.

28. This comment on split zoning along S. King Street seems to be a misinterpretation of the boundary lines. There was consensus that this language should remain as is.

Items 29 – 34 regarding building heights were all considered non consensus items.

The discussion now focused on height. Commissioner Bangert suggested that we set 45' as a byright height, and anything above that it would require a special exception. Mitigate through a special exception. Commissioner Hoovler agreed with this.

JOINT WORKSESSION

Chairman Wright mentioned a scenario that included first floor retail, second floor office and third floor residential. What would he get height wise for this scenario.

Commissioner Kalriess responded that the heights can vary. The first floor will vary, a stick built, wood construction could have a 12' on the first floor, 9' on the second and third floor giving you 30' for a flat roof. Add a gable, then the pitch to get the final building height. The 30 feet could go to a 42' height with the pitch. He went with other scenarios to show how varied heights will change the total building height. Also, the width of the building will determine how varied heights will make the building appear. Chairman Wright asked if the commercial areas with a 45' height restriction will limit what types of businesses can go in the area. Karen Jones said the cost of construction needs to offer the height that will allow a developer to make money. Commissioner Bangert agreed saying the above grade square footage must allow for adequate profit.

Commissioner Kalriess walked the group through a "real time" development along with the financials associated with it. He wanted to illustrate the cost of structural parking. In this case it came to \$27,000 per parking space. This cost needs to be in direct relation with the above ground space which includes retail and residential. In the case of this project, cost of a condo would run \$450 per s.f. to \$700 per s.f. We must recognize that the cost of structured parking will be between \$4K to \$27K per parking space, and this will be passed on to the purchaser. Therefore sensitivity must be shown to how much above grade will be allowed in relation to the structured parking. Because of our limited transportation amenities, we will require more parking than areas such as Ballston or Rockville.

Chairman Wright referred to the current plan which lists a three story building between 36' and 45'; 4 story between 55' and 65' and five story between 75' and 85'.

Commissioner Bangert asked why stories were important. There was some discussion about the height versus the story limitations. Concern about discouraging developers because of leveraging was raised. Commissioner Bangert said there are ways to offer additional height and they need to be careful how to word the language. Scott Mignonet said that he has worked on many similar projects around the country. The construction type will be integral in the number of floors that will be built. Keeping the streetscape desired is also important.

Mayor Umstattd said the comments from the Economic Development Commission make sense, but that is not what the public is saying. We are lucky that the architect in the first project is a quality architect. If you don't give an incentive to the developer to choose the best architect, you could get a shoddy look. Unless the Crescent District is in the Old and Historic District, there is no protection in this plan. We are veering away from what the public wants. They like the look and feel of old and historic Leesburg.

Karen Jones asked if up to 55' was the minimum height by right and anything over that would be a special exception. Chairman Wright asked if this was the minimum, would this be a good way to start? Sandy Kane said the topography in this area was lower so the 55' would still complement the surrounding areas. As the topography gets higher, the lower buildings would come into play. Commissioner Burk asked if there was consensus

JOINT WORKSESSION

on the idea of a by right height and then anything over that would be special exception? The group responded favorably. Commissioner Moore asked how stories would fit in. Chairman Wright said the varying stories would also be dictated by height restrictions. In all cases the building, scaling and massing are still most important. Commissioner Kalriess said that in any case, trying to squeeze into heights will remain a concern. Limiting the height could result in poor roof design. One of the more testy sites will be the trailer park area. Mitigating the displacement of these people will be limiting to a developer because this is a high point in town and the heights will be restricted there. This will be a challenge. Theresa Minchew asked if the three story maximum heights are adjacent to the Old and Historic District? Chairman Wright reviewed the available map indicating where the varied heights would be allowed. She does not want to see any special exceptions to the height near the Old and Historic District. Sandy Kane asked if this would stifle architectural creativity.

Theresa Minchew said they need to take care they don't make an area all level because of the topography. Scott Mingonet added that 45' won't work for retail. Chairman Wright added that this would apply to the current Safeway site. Susan Swift said the three story area is the most sensitive because of its proximity to the Old and Historic District. There need to be strict guidelines and you have to keep in mind that residential does not have to go over everything. Chairman Wright said overall the maximum height would be 55' by right, anything over that would be a special exception. Within the three story maximum that would not exceed 45' in height and the special exception option would not apply while still having proper height, scale and massing of the development. Do we want to have a cap on the four story tier even though we're going by special exception above 55', should we say within this tier we will not approve "X". What is the range, stop it at 65'? Does this give enough guidance to developers so they don't come in with restricted plans. Barbara Beach said that they should put a maximum height on it. Most people don't spend high dollars without knowing what restrictions they might face. If there is no open discussion on conditions, a developer, not knowing the cost, may be discouraged by too many restrictions. Scott Mingonet reminded them that once they get into a five story building, materials will most likely be concrete, the building is more likely to have a façade and no pitch to the roof. Further discussion ensued regarding underground parking and buildings with penthouses and elevator shafts.

Karen Jones brought up the school proffer issue. Chairman Wright said this was an entirely different issue and not up for discussion at this meeting. It is a Council mandated policy and may or may not be relevant to the type of housing being proposed in the Crescent District.

Discussion returned to the four story question. Commissioner Moore had concern that if a building gets a special exception for 65', can they try to squeeze five stories into that? It was determined that the language should say "not to exceed 65', or four stories". Commissioner Burke asked whether it was important that there are no more than four stories. Commissioner Bangert said that measuring in stories was confusing. Commissioner Kalriess said that there is potential for a sub-floor (English basement). Is there fiscal advantage to adding an extra floor? Susan Swift said that the 65' should

JOINT WORKSESSION

actually be 67' according to the way building heights would be calculated. Chairman Wright reviewed the three tiers being discussed. It was decided that stories would not be referred to as tiers. How are the feet being measured? By the zoning ordinance guidelines. With regard to the third tier, five story with 65' – 70'. All of this would be by special exception. The third tier would allow for a maximum of 75'. One concern was that letting the special exception for a higher building be a complicated process. Commissioner Kalriess said developers really don't want to waste time on by right. They would like to encourage developers to have varying heights within the development. He wants to make sure it's practical for the business community and palatable to the citizens.

Chairman Wright stated that 55' would be allowed by right, anything above that would require a special exception. First level, 45', the special exception option would not apply, while still having proper height, scale and massing; The second level would not exceed 67' in height, the special exception option would be available while still having proper height, scale and massing; third level maximum will not exceed 75' in height, while still having proper height, scale and massing, and additional language about what is envisioned to be the special exception process, not due process itself, with the condition we would seek. The group came to a consensus on the heights. There was a question on the CMU1 and CMU2 zonings in the Old and Historic District where the existing zoning is 45', would this change? The answer is no, it would remain as is.

Commissioner Kalriess asked that the presentation of the height issue be explained to the public in a way in which they can grasp the issue.

Chairman Wright asked if they could meet again on March 29th so that a public input session could occur the first meeting in April. There was a question on whether there would be enough time to effectively do this. Susan Swift indicated that it was too tight of a schedule. Commissioner Bangert said they needed to decide how this information would be presented to the public so that they can understand it.

Theresa Minchew went back to heights. Perhaps they can use balloons to demonstrate the heights. Bill Michel said the Harrison Park project is part of the H-1 district, are they restricted to the 45' height? They were granted their height limitations in accordance with H-1 guidelines, not the Crescent District Master Plan.

Chairman Wright asked if they wanted to discuss Industrial Court and the water amenities tonight. The general consensus was to show Industrial Court on the map as going through stating this was not definite.

The motion to adjourn was made at 9:55 pm.

Prepared by:

Approved by:

Linda DeFranco, Commission Clerk

Kevin Wright, Chairman

MINUTES

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MARCH 16, 2006